

# UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE (For Organizational Defendants)

INTERCEPT CORPORATION, d/b/a  
*InterceptEFT*

CASE NUMBER: DPAE2:17CR000491-001

Richard J. Zack, Esq.

Defendant Organization's Attorney

### THE DEFENDANT ORGANIZATION:

X pleaded guilty to count(s) 1

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

FILED

NOV 21 2018

KATE BARRETT, Clerk  
By \_\_\_\_\_ Dep. Clerk

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:1960(a),(b)(1)(C)	Operating an illegal money transmission business.	August 2013	1

The defendant organization is sentenced as provided in pages 2 through 4 of this judgment.

☐ The defendant organization has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's  
Federal Employer ID No. 45-0430894

Defendant Organization's Principal Business Address

1700 42<sup>nd</sup> Street South

Suite 2000

Fargo, ND 58103-7425

Defendant Organization's Mailing Address

Same as above

November 20, 2018

Date of Imposition of Judgment

Signature of Judge

Eduardo C. Robreno, U.S. District Judge

Name and Title of Judge

11/20/18

Date

165

DEFENDANT ORGANIZATION: INTERCEPT CORPORATION, d/b/a *InterceptEFT*  
CASE NUMBER: DPAE2:17CR000491-001

## PROBATION

The defendant organization is hereby sentenced to probation for a term of :

**2 YEARS.**

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

The U.S. Probation Office shall full and complete access to any and all requested financial information of the Defendant corporation. If the U.S. Probation Office believes that the Defendant corporation is not acting in good faith regarding the payment of financial penalties, the Court shall be notified, and appropriate action shall be taken.

## STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: INTERCEPT CORPORATION, d/b/a InterceptEFT  
CASE NUMBER: DPAE2:17CR000491-001

### CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 400.00	\$ 500,000.00	\$ 0.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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**TOTALS** \$ \_\_\_\_\_ \$ \_\_\_\_\_

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that.

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT ORGANIZATION: INTERCEPT CORPORATION, d/b/a InterceptEFT  
CASE NUMBER: DP AE2:17CR000491-001

## SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 6,429,293.00 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
X in accordance with ☐ C or ☒ D below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or
- C ☐ Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☒ Special instructions regarding the payment of criminal monetary penalties:  
The special assessment is due immediately. The forfeiture shall be paid first and as follows: \$3.9 million shall be forfeited immediately; another \$1 million dollars shall be forfeited within six (6) months of the date of this judgment; and the balance of the forfeiture shall be due within one (1) year of the date of this judgment. The forfeiture shall be paid by way of wire transfer directed to the U.S. Marshal for the Eastern District of PA. Any monies in excess of the forfeiture obligation shall be paid to the Clerk of Court for the Eastern District of PA in satisfaction of, in whole or in part, to the fine imposed by this judgment. If any amount of the fine remains unpaid, it is the responsibility of the U.S. Attorney's Office to seek collection of those funds.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant organization shall pay the cost of prosecution.

☐ The defendant organization shall pay the following court cost(s):

X The defendant organization shall forfeit the defendant organization's interest in the following property to the United States: \$5,928,893.00 in U.S. currency.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) forfeiture obligation (5) fine principal, (6) fine interest, (7) community restitution, (8) penalties, and (9) costs, including cost of prosecution and court costs.